



M E M O R A N D U M
BOARD OF COUNTY COMMISSIONERS
OFFICE OF THE COMMISSION AUDITOR

TO: Honorable Commissioner Rebeca Sosa,
District 6

DATE: September 23, 2004

FROM: Charles Anderson, CPA
Commission Auditor

SUBJECT: Public Health Trust
Procurement Processes

Information on Public Health Trust (PHT) procurement processes is attached as requested. In short, the PHT is subject to the requirements of Chapter 25A of the County Code and of the County Charter, but the PHT is authorized to act as the County's agent in executing contracts except for a few specified limitations.

Board of County Commissioners approval is required for:

- o "Expenditure of funds in excess of the amounts appropriate in the ...section of the County budget pertaining to the operation of the Trust" [Sec. 25A-4(c)(1)];
- o Changes to "the contractual relationship between Miami-Dade County and the University of Miami" [Sec. 25A-4(c)(2)];
- o "Any contract the effect of which is to change substantially health care delivery policies established by the Board of County Commissioners" [Sec. 25A-4(c)(3)];
- or
- o "A contract with any labor union or other organization representing employees" [Sec. 25A-4(c)(4)].

Competitive bid and bid waiver requirements are identical to those for the County as specified in Sec. 4.03(D) of the Charter of Miami-Dade County. Bid waivers for the PHT require a PHT resolution approved by a 2/3 vote of the Board of Trustee members present [Sec. 25A-4(c)].

Copies of the applicable sections of the Code and Charter, including references, are attached. Applicable requirements are summarized above and are highlighted and flagged in the attachments.

We would be glad to provide additional assistance if you desire.

Public Health Trust Procurement Processes

Authorities.

Chapter 25A of the Code of Miami-Dade County specifies authorities for and limitations of Public Health Trust procurements and are summarized below. Copies of applicable sections of the Code and County Charter are attached and have applicable paragraphs highlighted.

Sec. 25A-4(c).

- Authorizes the Trust as agent of Miami-Dade County in contracting.
- Requires Board of County Commissioners approval for:
 - "Expenditure of funds in excess of the amounts appropriate in the...section of the County budget pertaining to the operation of the Trust" [Sec. 25A-4(c)(1)];
 - Changes "the contractual relationship between Miami-Dade County and the University of Miami" [Sec. 25A-4(c)(2)];
 - "Any contract the effect of which is to change substantially health care delivery policies established by the Board of County Commissioners" [Sec. 25A-4(c)(3)];
 - "A contract with any labor union or other organization representing employees" [Sec. 25A-4(c)(4)].
- Requires "formal bid requirements of Section 4.03(D) of the Charter of Miami-Dade County,"
 - The term "Board" is specified to be construed to be the "Board of Trustees"; and
 - The term "manager" is specified to be construed to be the "Chief Executive Officer of the Trust."
 - Note: Section 4.03(D) of the Charter requires that
"Contracts for public improvements and purchases of supplies, materials, and services other than professional shall be made whenever practicable on the basis of specifications and competitive bids. Formal sealed bids shall be secured...when the transaction involves more than the minimum amount established by the Board of County Commissioners by ordinance....The Board [the Board of Trustees], upon written recommendation of the Manager [the Chief Executive Officer of the Trust, may by resolution adopted by two-thirds vote of the members present waive competitive bidding when it finds this to be in the best interest of the county.]"
- "For all competitively bid contracts in excess of one hundred thousand dollars (\$100,000) for the construction, alteration, and/or repair, including painting or decorating of "designated facilities" that are public buildings or public works, the Trust shall comply with the provisions of Section 2-11.16 of the Code" (which sets minimum standards for wage rates for employees on these contracts.)

Sec. 25A-6.

- Requires the Trust to "develop and implement supporting services systems necessary for carrying out the Trust's responsibilities....Before obtaining any supporting services from a source other than Miami-Dade County, the Trust shall determine the availability, cost, advantage, and management advantage of obtaining such services from the County on a fee-for-service basis."

Chapter 25A PUBLIC HEALTH TRUST*

***Editor's note:** Section 9 of Ord. No. 73-69, adopted July 30, 1973, provided that said ordinance be included in this Code, but did not specify the manner of inclusion, hence codification of §§ 1-7 as Ch. 25A, §§ 25A-1-25A-7, was at the discretion of the editors. Sections 8 and 10 of said ordinance, severability and effective date provisions, were omitted from codification.

Cross references: Public Health Department, § 2-74 et seq.; payment of costs of hospital care, treatment and maintenance, Ch. 25C.

State law references: Public health trusts, F.S. § 154.001 et seq.

Sec. 25A-1. Creation of Trust.

There is hereby created and established by authority of Chapter 73-102, Laws of Florida 1973, as an agency and instrumentality of Miami-Dade County, a revocable statutory trust the terms of which may be modified by Miami-Dade County, which Trust shall be named and known as the "Public Health Trust of Miami-Dade County, Florida" (hereinafter also referred to as the "Trust"). The Trust shall be a public body corporate and politic which, through its governing body, may exercise all those powers either specifically granted herein or necessary in the exercise of those powers herein enumerated.

(Ord. No. 73-69, § 1, 7-30-73; Ord. No. 91-63, § 1, 6-18-91)

Sec. 25A-2. Designated facilities and transfer of property in trust.

(a) *Designated facilities.* The Trust, acting through its governing body as hereinafter defined, shall be responsible for the operation, maintenance and governance of the following facilities which are hereby declared to be "designated facilities" as that term is defined and used in Chapter 73-102, Laws of Florida 1973:

Jackson Memorial Hospital and all related facilities and real and personal property used in connection therewith either presently existing or which may come into existence in which Miami-Dade County has a legal interest and which are located within the area bounded by NW 15 Avenue on the west, NW 20 Street on the north, NW 7 Avenue on the east, and NW 14 Street on the south; and all facilities and real and personal property which the Trust may acquire pursuant to the terms of this chapter.

By resolution, the Board of County Commissioners may designate additional facilities or declassify and remove from the jurisdiction of the Trust facilities which have previously been designated.

(b) *Transfer of property in trust.* Pursuant to the provisions of this chapter, the Trust

shall have possession and operating control of, but not title to, all real property within the meaning of "designated facilities," as that term is defined by this chapter. Title to all items of personal property within the meaning of "designated facilities," as that term is defined by this chapter, shall be transferred to the Trust to be held in trust pursuant to the provisions of this chapter, provided however, that the Trust shall be empowered to sell or otherwise lawfully dispose of such personal property.

(Ord. No. 73-69, § 2, 7-30-73; Ord. No. 91-63, § 1, 6-18-91)

Sec. 25A-3. Governing body.

(a) *Composition.* The governing body of the Trust shall be a Board of Trustees composed of twenty-one (21) voting members none of whom shall be employees of the Trust. The voting membership shall include a member of the University of Miami Board of Trustees. The remaining voting membership, except for the Voting Commissioner as such term is hereafter defined, shall be selected in accordance with Section 25A-3(d). In 2003, the voting membership of the Board of Trustees shall be reduced from twenty (21) voting members to eighteen (18) voting members. During the annual appointment process for 2003 only that number of recommended appointments that will result in a total of eighteen (18) voting members shall be recommended by the Public Health Trust Nominating Council and approved by the Board of County Commissioners.

In 2004, the voting membership of the Board of Trustees shall be reduced from eighteen (18) voting members to fifteen (15) voting members. During the annual appointment process for 2004, only that number of appointments that will result in a total of fifteen (15) voting members shall be recommended by Public Health Trust Nominating Council and approved by the Board of County Commissioners. Commencing September 1, 2004, the Chairperson of the Commission shall be empowered to appoint a member of the Economic Development and Human Services Committee of the Board of County Commissioners as an ex officio member of the Board of Trustees with the right to vote (the "Voting Commissioner"), resulting in a total voting membership of sixteen (16), consisting of fifteen (15) voting Trustees and the Voting Commissioner.

Additionally, the following shall be non-voting, ex officio members of the Board of Trustees: Three (3) County Commissioners, one of whom shall be appointed by the Mayor, one shall be appointed by the Chairperson of the Board of County Commissioners and the third shall be the Chairperson of the Economic Development and Human Services Committee of the Commission hereinafter referred to as "Commissioner Trustees," provided that on September 1, 2004, the Chairperson of the Board of County Commissioners and the Mayor will become non-voting ex officio members and the ex officio category of Commissioner Trustees shall cease; the County Manager or his or her designee; the Chief Executive Officer of the Trust; the Senior Vice President of Medical Affairs; Dean, University of Miami School of Medicine; the Senior Vice President of Patient Care Services; Dean, University of Miami School of Nursing; and the President of the Public Health Trust Medical Staff.

(b) *Qualifications.* Each member of the Board of Trustees shall be a United States citizen and a permanent resident and duly qualified elector of Miami-Dade County, unless the Board of County Commissioners waives the residency requirement by a two-thirds vote of its membership, and shall be of an outstanding reputation of integrity, responsibility, and commitment to serving the community. Before entering upon the duties of office, each appointee to voting membership on the Board of Trustees shall give bond in the amount of one hundred thousand dollars (\$100,000.00) to the Clerk of the Commission for the faithful performance of the duties of office and shall take the

prescribed oath of office. Trustees shall serve without compensation but shall be entitled to reimbursement for necessary expenses, including the expense of performance bonds, incurred in the discharge of their duties.

(c) *Modified applicability of Conflict of Interest and Code of Ethics Ordinance.* The Miami-Dade County Conflict of Interest and Code of Ethics Ordinance (hereinafter referred to as the "Conflict of Interest Ordinance"), Section 2-11.1. of the Code of Miami-Dade County, Florida, shall be applicable to the members of the Board of Trustees of the Public Health Trust only in the manner and to the extent hereinafter provided. It is declared to be the intent of the Commission, as expressed in this subsection, to provide that the Conflict of Interest Ordinance shall not operate to preclude individuals from serving as Trustees on the basis of interests relating to Miami-Dade County when such interests do not conflict with the Trust.

Wherever in the Conflict of Interest Ordinance reference is made to Miami-Dade County, that reference shall be deemed and construed to be a reference to the Public Health Trust; wherever in the Conflict of Interest Ordinance reference is made to the Board of County Commissioners, that reference shall be deemed and construed to be a reference to the Board of Trustees of the Public Health Trust; and wherever in the Conflict of Interest Ordinance reference is made to the Commissioners of the Board of County Commissioners, that reference shall be deemed to be a reference to the voting members of the Board of Trustees of the Public Health Trust.

(d) *Appointment and removal of Trustees.* Voting Trustees shall be appointed by resolution of the Board of County Commissioners after having been selected by the Commission from persons nominated by a Nominating Council established and described herein. The Nominating Council, hereinafter known as the Public Health Trust Nominating Council, shall be comprised of the following five (5) voting members : the Chairperson of the Economic Development and Human Services Committee, or a Commissioner of that committee designated by the committee Chairperson; the Chairperson of the Public Health Trust; the Chairperson of the Board of County Commissioners or a Commissioner designated by the Chairperson; the Mayor or a Commissioner designated by the Mayor; and the Chairperson of the Miami-Dade Legislative Delegation or another member of the delegation appointed by Chairperson of the Miami-Dade Legislative Delegation. The Chairperson of the Trust shall not serve on the Nominating Council when being considered for reappointment and shall appoint a Trustee to replace him or her. The County Manager and the County Attorney shall provide appropriate staff support to the Council. The sole function of the Nominating Council shall be to solicit, screen, interview and recommend for appointment the best qualified candidate for each vacancy on the Trust Board. The membership of the Board of Trustees should be representative of the community at large and should reflect the racial, gender, ethnic and disabled make-up of the community. The Council should consider the most current demographic statistics from Miami-Dade County. Said Council and the procedures under which it will operate shall be approved by the Board of County Commissioners. All meetings of the Nominating Council shall be audio recorded and minutes of the proceedings shall be transcribed and maintained by the Clerk of the Board of the County Commission. The Nominating Council shall submit to the Commission one (1) nominee for each vacancy on the Trust Board. The slate of nominees shall be submitted directly to the Commission.

In the event of a vacancy during the term of a voting Trustee, the Trust shall notify the Commission of the vacancy and shall request that it be filled as part of the annual appointment process or by special convening of the Public Health Trust Nominating Council.

A Trustee may be removed by a majority vote of the Board of County Commissioners for cause.

(e) *Tenure of Trustees.* The voting Trustees shall serve staggered terms of three (3) years each. No voting Trustee shall be permitted to serve more than three (3) consecutive and complete terms of three (3) years each. Subsequent to September 1, 2003, no voting Trustee shall be permitted to serve more than two (2) consecutive and complete terms of three (3) years each, provided however, that this six-year term limitation shall not apply to incumbent voting Trustees appointed prior to September 1, 2003. The Board of County Commissioners, by a two-thirds (2/3) vote of its members, then in office, may waive this term limitation requirement. The term of the Voting Commissioner shall be coterminous with the term of the appointing Commission Chairperson and until the successor Commission Chairperson replaces the Voting Commissioner.

(f) *Organization, powers and duties of the Board of Trustees.* The Board of Trustees shall organize after the members thereof have qualified to serve and shall elect one (1) of its voting members as Chairperson and one (1) of its voting members as Vice-Chairperson and shall designate a Secretary who may or may not be a member of the Board, and such other officers as the Board of Trustees may determine to be necessary.

The Board of Trustees shall hold regular meetings in accordance with the bylaws of the Trust and the Board may hold such other meetings as it deems necessary. The Trust shall hold and televise regular meetings of the Board of Trustees at the designated facilities of the Trust, provided, however, that annually the Board of Trustees shall hold and televise at least one (1) of its regular meetings in Commission chambers. The Board of Trustees shall have discretion in determining which of its regular meetings are held and televised in Commission chambers. The regular meetings shall not conflict with the meeting schedule for the Board of County Commissioners or its committees. At the discretion of the Trust, other meetings may be held and televised in the Commission chambers. Except as provided by law, all meetings of the Board shall be public and audio recorded and written minutes of the proceedings thereof shall be maintained by the Office of Internal Audit, as such term is hereafter defined. All actions taken at the meetings of the Board shall be promptly and properly recorded. Copies of all minutes and resolutions of the Board shall be forwarded to the Clerk of the Board of County Commissioners no later than ten (10) days subsequent to any meeting of the Board of Trustees.

In exercising the powers and carrying out the duties otherwise provided by this chapter, the Board of Trustees shall have the powers, duties, and responsibilities customarily vested in Trustees and, to the extent not in conflict therewith, shall also have the powers, duties and responsibilities customarily vested in the Board of Directors of a private corporation.

The Board of Trustees shall make, adopt and amend bylaws and rules and regulations for the Board's governance and for the operation, governance, and maintenance of designated facilities. Such bylaws and amendments thereto shall not be valid until approved by the Board of County Commissioners and shall not, without approval of the Commission, be inconsistent with ordinances of the County. The Board of Trustees shall be empowered to appoint a Chief Executive Officer of the Trust and to remove such an appointee. There shall be a special Trust Compensation and Evaluation Committee which shall consist of seven (7) voting members including the Chairperson of the Public Health Trust, three (3) Trustees appointed by the Chairperson of the Public Health Trust, the Mayor or a Commissioner designated by the Mayor and the Chairperson of the Board of County Commissioners and a Commissioner designated by the Chairperson, or, alternatively, in the discretion of the Commission Chairperson, two (2) Commissioners designated by the chairperson of the Board of County Commissioners. The special Compensation and Evaluation Committee shall make recommendations to the Trust

through the Trust Executive Committee regarding compensation for the Trust Chief Executive Officer. The Board of Trustees shall annually evaluate the performance of the Trust Chief Executive Officer and refer such evaluation to the special Trust Compensation and Evaluation Committee for the compensation recommendation it deems appropriate, based on the Board's performance evaluation of the Trust Chief Executive Officer.

There shall be a Trust/University of Miami Annual Operating Agreement Negotiating Committee (the "Trust/U.M. Committee"). The Trust Chief Executive Officer and Chairperson shall have responsibility to negotiate the Annual Operating Agreement with the University of Miami and shall submit their recommendations regarding the Annual Operating Agreement to the Trust/U.M. Committee for its review and approval. The Trust/U.M. Committee shall make recommendations regarding the Annual Operating Agreement to the Board of Trustees. The Trust/U.M. Committee shall consist of seven (7) voting members including the Chairperson of the Public Health Trust, the Chief Executive Officer of the Public Health Trust, three (3) Trustees appointed by the Chairperson of the Public Health Trust, the Mayor, and the Chairperson of the Board of County Commissioners.

As governing body of the Trust, the Board of Trustees shall exercise supervisory control over the operation, maintenance, and governance of all designated facilities and of all functions and activities taking place in connection with the operation of designated facilities.

(g) *Designation of office space and the hiring of staff.* It shall be within the discretion of the Trust to designate office space and to hire staff to direct and coordinate Trust activities.

(h) *Protection from personal liability.* The Trustees shall be included as insured within the terms of the comprehensive general and professional liability insurance policies of the County for the protection of individual members of County boards while such members are acting within the scope of their duties. The Trustees shall while acting within the scope of their duties also be entitled to personal liability protection, to the same extent that members of other County boards have such protection, from funds set aside by the County to satisfy claims not payable from insurance proceeds by virtue of loss deductible clauses in liability insurance policies. The Board of Trustees shall be empowered to obtain such additional Trustees' liability insurance as the Board shall determine to be necessary, and the expense of such insurance shall be an expense of the Trust.

(Ord. No. 73-69, § 3, 7-30-73; Ord. No. 76-65, § 1, 7-6-76; Ord. No. 80-81, § 1, 7-15-80; Ord. No. 82-116, § 1, 12-21-82; Ord. No. 83-43, § 1, 6-21-83; Ord. No. 88-6, § 1, 2-2-88; Ord. No. 91-63, § 1, 6-18-91; Ord. No. 93-144, § 1, 12-14-93; Ord. No. 94-67, § 1, 5-3-94; Ord. No. 98-40, § 1, 3-31-98; Ord. No. 02-5, § 1, 1-29-02; Ord. No. 03-182, § 4, 9-9-03)

Annotations-- CAO's 76-26, 77-65, 77-68, 79-29, 80-28, 81-38.

Sec. 25A-4. Powers and duties of the Trust.

In connection with its responsibilities for the operation, maintenance, and governance of designated facilities, the Trust, acting through its governing body, shall be authorized to exercise such powers and shall be required to perform such duties as are hereinafter provided.

(a) *Power to act.* The Trust shall be empowered to sue and be sued, to plead and be impleaded, to contract and be contracted with, and to have an official seal and alter the same. This provision shall not be construed to in any way affect the laws relating to governmental immunity.

(b) *Health care delivery policies.*

(1) *Planning for designated facilities.* The Trust shall annually develop and recommend to the County Commission policies for the admission of hospital patients, the determination of the indigent status of patients and health care delivery in the designated facilities of the Trust, including primary, secondary and tertiary health care. The Trust shall also develop and recommend to the County Commission long range plans in five-year intervals for the delivery of health care services in designated facilities of the Trust.

(2) *Countywide planning.* The Trust shall have no responsibility for countywide healthcare planning and such planning shall be the responsibility and within the jurisdiction of the Miami-Dade County Office of Countywide Healthcare Planning, provided however that the operation, maintenance and governance of and planning for the Trust designated facilities wherever situated within Miami-Dade County shall be and remain the sole responsibility of the Trust, subject to the Board of County Commissioners' power to designate additional facilities or to declassify and remove from the jurisdiction of the Trust facilities which have previously been designated.

(3) *Submittal of planning recommendations for designated facilities.* The Trust shall formally present its annual recommendations for health care delivery in its designated facilities at an annual, joint meeting to be called by the Chairperson of the Board of County Commissioners and to be held between the Commission and the Trust no later than July 1st of each year.

(4) *Compliance.* The Trust shall comply with the health care policies established by the Board of County Commissioners. When the Commission establishes or changes policies relating to hospital admissions or medical indigency, it shall, in order to avoid the promulgation of unfunded mandates, through the County Manager and Chief Executive Officer of the Trust, identify in consultation with the Trust, an appropriate source of funding necessary to carry out such policies.

(c) *Contracts.* Except as otherwise provided by this chapter, the Trust, as an agent and instrumentality of Miami-Dade County, Florida, shall be authorized to act for Miami-Dade County in the performance and enforcement of all contracts pertaining to designated facilities and existing on the effective date of this chapter, such contracts as are properly within the powers and duties of the Trust.

The contractual powers of the Trust shall be subject to the following limitations:

(1) The Trust shall not, without the prior approval of the Board of County Commissioners, enter into or amend any contract which shall require the expenditure of funds in excess of the amounts appropriate in the contractual services category of the section of the County budget pertaining to the operation of the Trust.

(2) The Trust shall not, without prior approval of the County Commission, enter into or alter any contract the effect of which is to change the contractual relationship between Miami-Dade County and the University of Miami as set forth in the contract between the University and

the County entered into on December 18, 1952, and as amended from time to time.

(3) The Trust shall not, without prior approval of the County Commission, enter into or alter any contract the effect of which is to change substantially health care delivery policies established by the Board of County Commissioners.

(4) The Trust shall not be authorized to enter into a contract with any labor union or other organization representing employees without first having obtained the approval of the Board of County Commissioners.

It is specifically provided that contracts and amendments thereto executed by the Trust, or other obligations incurred by the Trust, shall not be binding upon Miami-Dade County. In the event that the Trust shall be revoked, obligations of the Trust shall only be enforceable against Miami-Dade County to the extent that such obligations would have been enforceable with regard to personal property which was in the possession of the Trust and with regard to business income which would have come into the possession of the Trust had the Trust not been revoked.

The Trust shall comply with the formal bid requirements of Section 4.03(D) of the Charter of Miami-Dade County, Florida, and for such purpose the term "Board" as used in Section 4.03(D) shall be construed to be "Board of Trustees" and the term "manager" shall be construed to be "Chief Executive Officer of the Trust."

For all competitively bid contracts in excess of one hundred thousand dollars (\$100,000.00) for the construction, alteration, and/or repair, including painting or decorating of "designated facilities" that are public buildings or public works, the Trust shall comply with the provisions of Section 2-11.16 of the Code, as same may be amended from time to time, and the administrative procedures adopted pursuant thereto.

(d) *Property.* The Trust shall have the authority to purchase or otherwise obtain title in its own name to personal property and shall be authorized to sell or otherwise lawfully dispose of personal property. The Trust shall subject to prior approval of the County Commission be authorized to purchase or otherwise obtain real property, the title to which shall be vested in Miami-Dade County and the possession and operating control of which shall be held in Trust for Miami-Dade County under the provisions of this chapter.

The Trust shall not be authorized to sell, convey, mortgage, or otherwise impair or encumber the title to real property, provided however, that the Trust shall be authorized to lease real property either as lessee or lessor for any number of years and upon any terms and conditions. The leasing of any real property by the Trust as lessor shall be in accordance with the requirements of Section 125.35, Florida Statutes.

The Trust shall not, without having previously obtained the approval of the Commission, destroy, replace, or abandon real property. The Trust shall be authorized to maintain and repair designated facilities and may alter, modify, or made additions to designated facilities whenever such changes are necessary for the proper operation and maintenance of such facilities.

(e) *Personnel.* The Trust shall be empowered to appoint, remove, and suspend employees or agents of the Trust, to fix their compensation, and to

adopt personnel and management policies, subject to Board of County Commissioners approval or disapproval. Absent any action by the Board of County Commissioners, personnel and management policies established by the Board of Trustees shall be considered final. Employees who were initially County employees and reclassified as Trust employees as the result of the original enactment of Chapter 25A shall be entitled to continue their participation in either the State and County Officers and Employees Retirement System or the Florida Retirement System or both such retirement systems. The Trust shall assure employees a process of appeal with regard to disciplinary or other official action.

[(1) *Reserved.*]

(2) *Labor agreements.* The County Labor Relations Office and the County Personnel Department shall be permitted to participate in the negotiation of labor agreements with organizations representing Trust employees, however, the Board of Trustees and the management of designated facilities shall be authorized to assume the primary role in such negotiations.

(3) *Classified service of the Public Health Trust; exceptions therefrom.* The classified service of the Trust shall comprise all positions in the Trust service existing on May 1, 1975, or thereafter established, except the following:

(a) President, Senior Vice-Presidents, Division Directors, Administrative Director of Patient Care Services and their immediate assistants, and all secretaries to the foregoing.

(b) Patients employed in designated facilities.

(c) Persons employed in a professional or scientific capacity to make or conduct a temporary and specific inquiry, investigation or examination on behalf of or by the authority of the Trust.

(d) Trust attorneys and assistants.

(e) Persons who are jointly employed by the Trust and any institute of higher learning.

(f) Residents, interns and students in designated facilities.

(g) Employees of those programs or parts thereof which are supported or funded from federal, charitable or foundation sources and which are designated by resolution of the Board of Trustees on the recommendation of the Chief Executive Officer of the Trust.

Employment within the classified service category shall be based on standards and qualifications approved by appropriate Trust staff and the Chief Executive Officer of the Trust.

(f) *Appointment of medical staff and approval of bylaws.* The Trust shall appoint the staff of physicians to practice in designated facilities and shall require that the bylaws, rules, and regulations of the medical staff of such facilities be submitted to the Board of Trustees for approval. Such bylaws, rules, and regulations shall be in accordance with the standards of all relevant accrediting organizations.

(g) *Rates and charges.* The Trust, in compliance with applicable law, shall be

empowered to establish rates and charges for those persons using the facilities of or receiving care or assistance from the Trust and to collect money pursuant to such rates and charges. Rates and charges shall be based upon the following factors: Costs of services and supplies rendered, the prevailing rates and charges of health care facilities in the community, the goal of minimizing the dependence upon tax revenues and maximizing the availability of health care provided by designated Trust facilities.

(h) *Acceptance of gifts.* The Trust shall have the authority to accept gifts of money, services, or personal property. Subject to the prior approval of the Commission, the Trust may accept gifts of real property, the title of which shall be in Miami-Dade County. All gifts shall be held in Trust pursuant to the provisions of this chapter.

(i) *Intergovernmental cooperation.* The Trust shall have the authority to cooperate with and contract with any government agency or instrumentality, federal, state, county, or municipal. The operating relationship between the Trust and Miami-Dade County shall be set forth in an annual agreement the purpose of which shall be to implement applicable provisions of this chapter. The Chief Executive Officer of the Trust and the County Manager shall meet for the purpose of negotiating an annual operating agreement. Such negotiating shall take place prior to September 1 of each year so that the Board of Trustees and Board of County Commissioners may approve the agreement in September of the applicable year.

There shall be a Trust/Miami-Dade County Annual Operating Agreement Committee (the "Trust/County Committee"). The Trust's Chief Executive Officer shall submit his recommendations regarding the Annual Operating Agreement between the Trust and the County to the Trust/County Committee for its review and approval. The Trust/County Committee shall make recommendations regarding the Annual Operating Agreement to the Board of Trustees. The Trust/County Committee shall consist of seven (7) voting members including the Chairperson of the Public Health Trust, the Chief Executive Officer of the Public Health Trust, three (3) Trustees appointed by the Chairperson of the Public Health Trust, the Mayor, and the Chairperson of the Board of County Commissioners. The County Manager shall simultaneously submit the agreement to the Commission for its approval.

(j) *Compliance with law.* The Trust shall comply with all laws and regulations of the United States, the State of Florida, and Miami-Dade County, including but not limited to the laws relating to the expenditure of funds and the keeping of records and inventories and the operation and governance of health care facilities.

(k) *Establishment of alternative health care delivery systems.* The Trust shall be empowered to establish, participate in and/or contract with alternative health care delivery systems, including but not limited to prepaid health care plans.

(l) *Funding and support of primary health care facilities.* The trust shall establish criteria and standards for the provision of financial and programmatic support of primary health care facilities operating within Miami-Dade County. The trust shall also formulate criteria and standards for the establishment of new primary health care facilities within the County.

(1) Any funding allocated to the primary health care facilities complying with the established criteria and standards shall be allocated regardless

of whether the trust owns or controls the facilities.

(2) Any funding by the trust for the purpose of capital expenditures shall be allocated from the trust's Funded Depreciation Account. Any funding by the trust for the purpose of operating expenditures shall be allocated from the trust's general operating funds.

(3) Any primary health care facility which does not comply with the criteria and standards established by the trust shall not be eligible for any funding from the trust or Miami-Dade County.

(m) *Office of Internal Auditor, Public Accountability and Information.* The Trust shall create an Office of Internal Auditor, Public Accountability and Information ("Office of Internal Audit"). The purpose of the Office of Internal Audit shall be to (i) provide internal auditing functions, (ii) act as the central depository for public information relating to public record requests, (iii) review and account for any and all relationships between the Public Health Trust and private entities, and (iv) interface and coordinate with and serve as the Trust's liaison to the Miami-Dade County Office of Inspector General. The Office of Internal Audit shall report directly to the Chairperson of the Trust. This Office through the Chief Executive Officer shall make monthly written reports to the Board of Trustees at its regular meetings. The written reports shall also be disseminated to the Mayor, Board of County Commissioners, County Manager, the Office of Countywide Healthcare Planning, the Commission Auditor, and Miami-Dade Office of Inspector General. The Chief Executive Officer of the Trust shall develop written policies and procedures for the organization and operation of the Office of Internal Audit and submit the same to the Board of Trustees for approval. Upon the Trust's creation of the Office of Internal Audit, the Trust shall do all things necessary or required to effectuate and merge all existing internal auditing functions into this Office and to provide sufficient funding and staffing.

(Ord. No. 73-69, § 4, 7-30-73; Ord. No. 75-103, § 1, 11-4-75; Ord. No. 77-84, § 1, 11-15-77; Ord. No. 82-67, § 3, 7-20-82; Ord. No. 84-65, § 2, 7-17-84; Ord. No. 85-67, § 1, 9-18-85; Ord. No. 89-90, § 1, 9-26-89; Ord. No. 91-63, § 1, 6-18-91; Ord. No. 92-45, § 6(b), 6-2-92; Ord. No. 92-76, § 1, 7-21-92; Ord. No. 93-41, § 1, 5-18-93; Ord. No. 94-197, § 1, 11-1-94; Ord. No. 94-210, § 1, 11-15-94; Ord. No. 95-151, § 1, 9-14-95; Ord. No. 98-40, § 1, 3-31-98; Ord. No. 03-182, § 4, 9-9-03)

Sec. 25A-5. Financial support for the Public Health Trust.

The Trust shall establish a fiscal year which coincides with that of Miami-Dade County, and the County shall provide the Trust with financial support pursuant to the official County budget. The Trust shall timely submit to the Board of County Commissioners a Trust budget request pertaining to operating and capital expenditures, which request shall not be implemented until approved by the Board of County Commissioners.

The Trust budget request shall be prepared on official County budget forms in a format prescribed by the County Manager, shall be reviewed in a manner similar to that in which requests of other County departments are reviewed, and shall be incorporated in the proposed budget and timely submitted to the Commission each year. The methods by which Miami-Dade County shall provide financial support to the Trust shall be as hereinafter described. Nothing contained herein shall be construed to prohibit the Trust from submitting to the Commission supplemental budget results which, if approved by the Commission, shall constitute

amendments to the official County budget.

(a) *Funding.* The Trust shall develop for each fiscal year accounting, budgeting, and financial management systems which will enable Miami-Dade County to provide the Trust, pursuant to the official County budget, with funding to be utilized for the cost of services and supplies provided to medically indigent persons as defined in the annual operating agreement between the Trust and Miami-Dade County.

(b) *Spending of bond proceeds, issuance of new bonds, and borrowing of money.* The Trust shall not be empowered to make expenditures of any monies derived from the sale of bonds by Miami-Dade County unless the Trust shall have been specifically authorized by the Board of County Commissioners to make such expenditures. The Trust shall be permitted to request the County Commission to effectuate the issuance of bonds, and to permit the Trust to borrow money by submitting to the Commission a duly enacted resolution of the Board of Trustees. The Commission shall consider any such resolution requesting the issuance of bonds or for the Trust to borrow money, however, the Commission shall be under no obligation to take affirmative action upon such requests.

(c) *General financial provisions.* The County shall convey to the Trust all accounts receivable pertaining to the designated facilities, and the Trust shall be subject to, assume the liability for, and be authorized to pay all accounts payable pertaining to the designated facilities. The Trust shall have the authority to establish necessary banking accounts in its own name and to make cash disbursements. The Trust shall make an annual report and an audited accounting to Miami-Dade County for all receipts and disbursements of money during each fiscal year, which accounting shall be submitted to the Board of County Commissioners no later than ninety (90) days subsequent to the close of such fiscal year and which accounting shall be in a manner consistent with and in a format pursuant to that prescribed by the County Manager.

Upon request, the Trust shall within thirty (30) days submit to the Board of County Commissioners a full financial report, including but not limited to, operating statistics such as admissions, occupancy rate, revenue and expenses, and a narrative outlining the achievements and problems, if any, of the Trust during the preceding quarter. On a quarterly basis, the Trust through its Chief Financial Officer or designee shall collect and provide to the Board of County Commissioners for its analysis and approval specific patient and health service data elements including, but not limited to, data regarding (i) number of patients served, (ii) patient demographics and patient origin/zip code information, (iii) patient diagnosis, (iv) services rendered, (v) patient charges by service category, (vi) lengths of stay and patient visits, (vii) payment source, (viii) site of service and (ix) such other data elements requested by the Commission or agreed upon by the Trust and the Office of Countywide Healthcare Planning.

Prior to March 31st of each year, the Trust shall submit to the Board of County Commissioners via a special meeting of the Board of County Commissioners in chambers a report to the Board of County Commissioners and the public that reflects the results of its annual audit for the prior fiscal year performed by the Trust's external auditor. At least seven (7) days prior to the special meeting, the Trust shall hand deliver copies of the audit by the Trust's external auditor to the Mayor, Chairperson and members of the Board of County Commissioners, the County Manager, Office of Countywide Healthcare Planning and Office of Inspector General.

The Internal Auditor of Miami-Dade County shall at all times have the right to audit all records of the Trust, and the external auditor of the County, at the direction of the Board of County Commissioners, shall be empowered to audit all records of the Trust.

The Board of County Commissioners shall, after examining the Trust's annual report and accounting, determine whether there is net income, exclusive of County payments for services rendered, at the end of the fiscal year. The Board of County Commissioners may then appropriate such net income into the County's general revenues or leave such net income with the Trust for continued use in effecting the public purposes of the Trust; provided, however, in the event the Commissioners decide to leave such income with the Trust, the Commissioners shall still retain the right to withdraw such income at any future time.

(Ord. No. 73-69, § 5, 7-30-73; Ord. No. 78-54, § 1, 7-18-78; Ord. No. 91-63, § 1, 6-18-91; Ord. No. 98-40, § 1, 3-31-98; Ord. No. 03-182, § 4, 9-9-03)

Sec. 25A-6. Supporting services.

Except as otherwise provided by this chapter, the Trust shall be authorized to develop and implement the supporting services systems necessary for carrying out the Trust's responsibilities. Such supporting systems shall include but shall not be limited to budgeting and accounting, liability coverage, quality assurance and utilization management, risk management functions related to care and safety of patients and all others within designated facilities, printing, delinquent account collections, information and computer services, architectural design and construction support services, security, physical maintenance, purchasing and materials management, and legal services. Supporting services may also be purchased from individuals or organizations or obtained from the County in a manner consistent with the method of County funding of the Trust. Before obtaining any supporting services from a source other than Miami-Dade County, the Trust shall determine the availability, cost advantage, and management advantage of obtaining such services from the County on a fee-for-service basis.

(a) *Purchasing and materials management.* The Trust shall develop procedures for purchasing supplies, equipment and services and for managing materials and shall implement such procedures.

(b) *Security and legal services.* From the effective date of this chapter, the Trust shall continue to utilize the services of the County with regard to security and legal services.

(Ord. No. 73-69, § 6, 7-30-73; Ord. No. 91-63, § 1, 6-18-91)

Sec. 25A-7. General provisions of the Trust.

It is the intent of the Board of County Commissioners to create by this chapter and for the purposes set forth herein a Trust which may be modified or revoked in whole or in part by duly enacted ordinance of the Commission. The beneficiaries of that Trust shall be the people of Miami-Dade County who, with regard to the Trust, shall be represented only by the Board of County Commissioners.

The County Manager shall at all times be empowered to conduct an administrative audit

of designated facilities. Legal opinions by the County Attorney's Office pertaining to this chapter and Trust and to Chapter 73-102, Laws of Florida, 1973, shall be binding upon the Trust.

The transfer of assets to the Trust constitutes a taking over in part of the function of the Board of County Commissioners by the Public Health Trust of Miami-Dade County, Florida. Pursuant to this chapter, the Trust is not to be restricted in the free use of the designated facilities and it is contemplated that the Trust will use the facilities to the extent of their useful lives. The Trust is not required to make any payments or give any consideration to Miami-Dade County, however, the Trust shall be required to properly maintain the designated facilities, and, except as otherwise provided by this chapter, may make necessary improvements to such facilities.

(Ord. No. 73-69, § 7, 7-30-73; Ord. No. 91-63, § 1, 6-18-91)

Sec. 25A-8. [Hospital exception.]

Except where prohibited by state or federal law, any provision of the Code of Miami-Dade County, and any resolution or administrative order of the County requiring a contractor to execute or complete a form or affidavit as a condition of doing business with the Public Health Trust, shall not apply to the current, unexpired term of a contract that exists between a contractor and the Public Health Trust as a result of its acquisition of a new hospital.

(Ord. No. 01-106, § 1, 6-19-01)

Sec. 2-11.16. County construction contracts.

(a) In addition to the other elements of the term "responsible bidder" in law or in the discretion of the Board of Commissioners of Miami-Dade County, as applies to competitively bid County contracts in excess of one hundred thousand dollars (\$100,000.00) for the construction, alteration, and/or repair, including painting or decorating, of public buildings or public works, shall mean a bidder who provides documented proof in its bid that the various classes of laborers and mechanics will be paid no less than the specified overall hourly rates as set forth in the contract specifications. All leases and contracts entered into after the effective date of this ordinance which provide for privately funded construction, alteration or repair of buildings or improvements located on County-owned land whose estimated cost is greater than or equal to one million dollars (\$1,000,000.00) shall require laborers and mechanics performing such work be paid no less than the overall hourly rates required on competitively bid County construction contracts under this Section. Fees for monitoring compliance with this Section shall be charged as provided in the most current County-wide Budget as follows: for County construction contracts, the Department of Business Development shall charge the using department therefor; for leases and contracts which provide for privately funded construction, alteration or repair of buildings or improvements on County owned land, the party contracting with the County shall be charged therefor.

(b) The specifications for each competitively bid County contract in excess of one hundred thousand dollars (\$100,000.00) for the construction, alteration and/or repair, including painting or decorating, of public buildings or public works shall specify an initial overall per hour rate to be paid to each craft or type of employee necessary to perform the contract work as listed in local area nondiscriminatory negotiated contracts between organizations which represent employees and contractors. In ascertaining the initial rate to be paid, the minimum standard shall be the combined overall dollar value on an hourly basis of the wages and of the hospitalization, medical, pension and life insurance benefits for such classification under contracts in effect as of the end of the quarter next preceding the quarter in which the proposed bid is expected to be advertised, or, in the case of a lease or contract providing for privately funded construction on County-owned land subject to this Section, the quarter in which the lease or contract is expected to be executed. If a particular classification of employee is not listed in such contracts, in ascertaining the initial rate to be paid those employees, the minimum standard shall be the combined overall dollar value on an hourly basis on the "basic hourly rate of pay" (as defined in 29 CFR 5.24) and of the fringe benefits payments for hospitalization, medical pension and life insurance benefits for such classification under the Secretary of Labor's wage determination (made pursuant to the provisions of the Davis-Bacon Act) in effect for Miami-Dade County, Florida, as of the end of the calendar quarter next preceding the calendar quarter in which the proposed bid is expected to be advertised. The foregoing and the provisions of Section 2-11.16(e) notwithstanding, where not otherwise precluded by state or federal law, the overall per hour rate shall be the higher rate under this Section 2-11.16 or the rate of wages to be paid under the requirements of the Davis-Bacon Act; provided, further, that the overall per hour rate shall not be the higher rate if the federal government requires the County as a condition of receiving federal funds for a project to pay no more than the wages as determined by the U.S. Department of Labor under the Davis-Bacon Act on project contracts. The specifications for such contracts shall:

- (i) Include a sum certain in dollars and cents as an initial overall hourly rate for

each classification to be paid for work performed during the period commencing on the date of issuance of the notice to proceed and ending one year after the date of bid advertisement (or, in the case of a lease or contract providing for privately funded construction on County-owned land subject to this Section, ending one year after the date of execution of the lease or contract). The specifications shall further provide that the overall hourly rate to be paid for work performed during the year period commencing one year after the date of bid advertisement (or date of execution, if applicable) and ending two years after the date of bid advertisement (or date of execution, if applicable) shall be the overall hourly rate (as determined in accordance with subparagraph (b) above) in effect as of the end of the quarter next preceding the quarter in which such year period commenced, irregardless of whether such rate is more or less than the initial overall hourly rate. Thereafter, the overall hourly rate to be paid for work performed during each subsequent year period shall be the overall hourly rate (as determined in accordance with subparagraph (b) above) in effect as of the quarter next preceding the quarter in which the subsequent year period commenced, irregardless of whether such subsequent rate is more or less than the initial overall hourly rate; and

(ii) Mandate the contractor to whom the contract is awarded, and any subcontractor under him, pay not less than the specified initial overall hourly rate adjusted over the term of the contract as provided in subsection (i) above to all employees within such classifications employed in the performance of the contract; and

(iii) Provide that the contractor, and any subcontractor under him, may fulfill the obligation to pay such specified overall hourly rate by payment of wages, contributions to employees benefit plans, payments in cash, or any combination thereof; and

(iv) Provide that the contractor shall pay to Miami-Dade County two hundred dollars (\$200.00) as liquidated damages for each employee of the contractor (or of any subcontractor under him) who performs any portion of the contract work for each calendar day, or portion thereof, that such employee is paid less than the said specified overall hourly rate; and

(v) Provide that the contractor, and each subcontractor under him, shall post a conspicuous place on the site where such contract work is performed: (1) the schedule of the specified overall hourly rate for each applicable classification specified by such negotiated contracts; (2) the amount of liquidated damages for any failure to pay such rates; and (3) the name and address of the responsible official in Miami-Dade County to whom complaints should be given; and

(vi) Provide that there may be withheld from the contractor so much of accrued payments as may be considered necessary by the contracting officer to pay to employees employed by the contractor (or any subcontractor under him) in the performance of the contract work the difference between the overall hourly rate required by the contract to be paid employees on the work and the amounts received by such employees and not refunded to the contractor, and subcontractor under him or their agents; and

(vii) Require the contractor and each subcontractor under him to keep, or cause to be kept, accurate written records signed under oath as true and correct showing the names, Social Security numbers, and craft classifications of all employees performing work on said contract, the hours and fractions of hours for

every type of work performed by each employee, the combined dollar value of all wages, any contributions to benefit plans and any cash payments paid to each employee and further require the contractor to submit to the County a list of all subcontractors and the names and Social Security numbers of all employees thereof who performed work each day on the contract and further require each subcontractor to also submit to the County a list of the names and Social Security numbers of its employees who performed work each day on the contract; and

(viii) Provide that no contractor (or subcontractor under him) may terminate an employee performing work on the contract because of the employee's filing a complaint regarding payment of required overall hourly rates.

(c) Miami-Dade County shall periodically examine the records required to be kept under subsection (vii) of subsection (b) of this section.

(d) The County Manager shall establish an administrative procedure for the resolution of written complaints pertaining to underpayment of the required overall hourly rates by a contractor (or any subcontractor under him). Upon failure of the contracting officer, the contractor (or subcontractor) and the complainant to resolve or negotiate a settlement of a complaint pursuant to said administrative procedures, the County Manager shall appoint a hearing officer and fix a time for an administrative hearing thereon. A notice of hearing (together with a copy of the written complaint) shall be served upon the contractor (or subcontractor) against whom the complaint is made and upon the complainant. Upon completion of the hearing, the hearing officer shall submit proposed written findings and recommendations together with a transcript of the hearing to the County Manager within a reasonable time. The County Manager shall determine whether the contractor (or subcontractor) failed to comply with such contract specifications as alleged. If the Manager's determination is that the contractor (or subcontractor) substantially or repeatedly failed to comply, the noncomplying contractor (or subcontractor) and the principal owners thereof shall be prohibited from bidding on or otherwise participating in County contracts for the construction, alteration and/or repair, including painting or decorating of public buildings or public works for a period of three (3) years. If the Manager's determination is that the contractor (or subcontractor) failed to comply and such noncompliance was not a substantial or repeated occurrence, the County Manager may order an amount equal to the amount of such underpayment be withheld from the contractor and remitted to the employee. In addition, the Manager may order payment of liquidated damages to the County. If the required payment is not made within a reasonable period of time, the noncomplying contractor (or subcontractor) and the principal owners thereof shall be prohibited from bidding on or otherwise participating in County contracts for the construction, alteration, and/or repair, including painting or decorating of public buildings or public works for a period of three (3) years.

(e) This section shall not apply to County contracts for construction or alteration which are federally funded or which are otherwise subject to the provisions of the Davis-Bacon Act (40 U.S.C. 276(a)).

(f) This section shall not apply to any contract for which authority to advertise for bids has been obtained prior to the effective date of this section [Ordinance No. 90-90].

(g) This ordinance shall not apply to blanket contracts designed to consolidate an indeterminate number of individual smaller construction, repair or alteration activities which may be needed over a fixed period of time, provided the overall contract ceiling does not exceed five hundred thousand dollars (\$500,000.00) and further provided that no individual work order issued under such contract shall exceed twenty-five thousand dollars (\$25,000.00) per craft.

(h) As used in the construction of this section, references to the masculine shall include the feminine and neuter and references to the singular shall include the plural, and vice-versa.

(i) Exemption for certain privately funded construction. This Section shall not apply to leases and contracts entered into after the effective date of this ordinance which provide for privately funded construction, alteration or repair of buildings or improvements located on County-owned land whose estimated cost is greater than or equal to one million dollars (\$1,000,000.00) which are financed:

(1) Solely through private sources, without one dollar (\$1.00) or more of financing provided through any federal, state, county or local governmental entity or bond sources including Industrial Development Authority (IDA) bonds or similar type of bond funding; or

(2) by entities which meet all of three (3) of the following conditions: exemption from Federal Income Taxes under section 501(c)(3), not-for-profit and community-based.

(j) The foregoing notwithstanding, any lease or contract entered into after the effective date of this ordinance which provides for privately funded construction, alteration or repair of buildings or improvements located on County-owned land whose estimated cost is greater than or equal to one million dollars (\$1,000,000.00), receives IDA bond financing and also receives State and/or local development incentives (including but not limited to: waiver of or reduced impact or permit fees and reduced property or other taxes) based on job creation shall not require payment of the overall hourly rates provided by this Section. Such lease or contract shall provide that in the event the job creation requirements on which the foregoing development incentives were conditioned are not fulfilled, the lessee shall be required to pay a penalty of up to twenty (20) percent of the cost of such construction, alteration or repair. Said penalty shall be in addition to any rental or other payments required in each lease or contract to which this subsection applies. Said penalty shall be paid to Miami-Dade County for deposit in the Department of Business Development Compliance Trust Fund and used to cover the costs of monitoring compliance with this Section.

(Ord. No. 77-17, §§ 1-4, 3-15-77; Ord. No. 90-90, § 1, 9-11-90; Ord. No. 90-123, § 1, 11-8-90; Ord. No. 90-143, § 1, 12-18-90; Ord. No. 95-183, § 1, 10-17-95; Ord. No. 99-158, § 1, 11-16-99; Ord. No. 02-129, § 1, 7-23-02)

Annotation-- CAO 79-13.

Cross references: Bidding on public projects, § 10-33 et seq.

ARTICLE 4. ADMINISTRATIVE ORGANIZATION AND PROCEDURE**SECTION 4.01. DEPARTMENTS.**

There shall be departments of finance, personnel, planning, law, and such other departments as may be established by administrative order of the Manager. All functions not otherwise specifically assigned to others by this Charter shall be performed under the supervision of the Manager.

SECTION 4.02. ADMINISTRATIVE PROCEDURE.

The Manager shall have the power to issue and place into effect administrative orders, rules, and regulations. The organization and operating procedure of departments shall be set forth in administrative regulations which the Manager shall develop, place into effect by administrative orders, and submit to the Board. The Board may, by resolution, modify such orders, rules or regulations providing, however, no such orders, rules or regulations creating, merging, or combining departments, shall become effective until approved by resolution of the Board.

SECTION 4.03. FINANCIAL ADMINISTRATION.

A. The department of finance shall be headed by a finance director appointed by the Manager and the Clerk of the Circuit and County Courts. The finance director shall have charge of the financial affairs of the county.

B. Between June 1 and July 15, the County Manager should present a proposed budget to the Mayor containing a complete financial plan, including capital and operating budgets, for the ensuing fiscal year. The budget prepared and recommended by the Manager and the Mayor's written response thereto shall be presented to the Commission on or before the Board adopts tentative millage rates for the ensuing fiscal year. A summary of the budget shall be published and the Board shall hold hearings on and adopt a budget on or before the dates required by law.

C. No money shall be drawn from the county treasury nor shall any obligation for the expenditure of money be incurred except pursuant to appropriation and except that the Board may establish working capital, revolving, pension, or trust funds and may provide that expenditures from such funds can be made without specific appropriation. The Board, by ordinance, may transfer any unencumbered appropriation balance, or any portion thereof, from one department, fund, or agency to another, subject to the provisions of ordinance. Any portion of the earnings or balance of the several funds, other than sinking funds for obligations not yet retired, may be transferred to the general funds of the county by the Board.

D. Contracts for public improvements and purchases of supplies, materials, and services other than professional shall be made whenever practicable on the basis of specifications and competitive bids. Formal sealed bids shall be secured for all such contracts and purchases when the transaction involves more than the minimum amount

established by the Board of County Commissioners by ordinance. The transaction shall be evidenced by written contract submitted and approved by the Board. The Board, upon written recommendation of the Manager, may by resolution adopted by two-thirds vote of the members present waive competitive bidding when it finds this to be in the best interest of the county.

E. Any county official or employee of the county who has a special financial interest, direct or indirect, in any action by the Board shall make known that interest and shall refrain from voting upon or otherwise participating in such transaction. Willful violation of this Section shall constitute malfeasance in office, shall effect forfeiture of office or position, and render the transaction voidable by the Board.

F. Such officers and employees of the county as the Board may designate shall give bond in the amount and with the surety prescribed by the Board. The bond premiums shall be paid by the county.

G. At the end of each fiscal year the Board shall provide for an audit by an independent certified public accountant designated by the Board of the accounts and finances of the county for the fiscal year just completed.

H. The Budget Commission created by Chapter 21874, Laws of Florida, 1943, is hereby abolished, and Chapter 21874 shall no longer be of any effect.

SECTION 4.04. ASSESSMENT AND COLLECTION OF TAXES.

A. Beginning with the tax year 1961, the county tax rolls prepared by the county shall be the only legal tax rolls in this county for the assessment and collection of county and municipal taxes. Thereafter no municipality shall have an assessor or prepare an ad valorem tax roll. Each municipality shall continue to have the right to adopt its own budget, fix its own millage, and levy its own taxes. Each municipality shall certify its levies to the County Manager not later than 30 days after the county tax rolls have been finally approved by the Board. Any municipality may obtain a copy of this tax roll upon payment of the cost of preparing such a copy, and copies of the tax rolls shall be available for public inspection at reasonable times. Maps showing the assessed valuation of each parcel of property may be prepared and made available for sale to the public at a reasonable price.

B. All county and municipal taxes for the tax year beginning January 1, 1961, and all subsequent tax years, shall be collected by the county on one bill prepared and sent out by the county. The amounts of county and municipal taxes shall be shown as separate items, and may be paid separately.

C. Delinquent municipal taxes shall be collected in the same manner as delinquent county taxes.

D. All the tax revenues collected for any municipality shall be returned monthly by the county to the municipality.

SECTION 4.05. DEPARTMENT OF PERSONNEL.

A. The Board of County Commissioners shall establish and maintain personnel and civil service, retirement, and group insurance programs. The personnel system of the county shall be based on merit principles in order to foster effective career service in

county employment and to employ those persons best qualified for county services which they are to perform.

B. The County Manager shall appoint a personnel director who shall head the department of personnel and whose duty it shall be to administer the personnel and civil service programs and the rules governing them. The standards of such programs shall not be less than those prevailing at the time of the effective date of this Charter.

C. Except as provided herein, Chapter 30255, General Laws, 1955, as it exists on the effective date of this Charter, shall remain in effect until amended or changed by ordinance of the Board of County Commissioners adopted by two-thirds vote of the members present after recommendation from either the Personnel Advisory Board or the County Manager.

D. Employees of municipalities who, by merger, transfer, or assignment of governmental units or functions become county employees, shall not lose the civil service rights or privileges which have accrued to them during their period of employment with such municipality, and the county shall use its best efforts to employ these employees within the limits of their capabilities. However, if because of the merger of a department or division of a municipality with the county, all of the employees of such department or division are unable to be employed by the county either because of lack of funds or lack of work, the employee possessing the greater amount of service shall be retained in accordance with civil service rules and regulations. Those employees who are not retained shall be placed on a priority list for employment by the county subject to seniority. Any non-retained employee shall have the option, if a vacancy occurs or exists in another department, and if he is qualified to render the service required, to either accept such employment or remain on the priority list until such time as employment shall be available for him in his own or similar classification.

E. The pension plan presently provided by the state for county employees shall not be impaired by the Board. Employees of municipalities, who by merger, transfer, or assignment of governmental units or functions become county employees shall not lose their pension rights, or any reserves accrued to their benefit during their period of employment with such municipality. The Board of County Commissioners shall provide a method by which these employees' rights and reserves shall be protected, and these employees shall continue until retirement, dismissal, or death in a pension status no less beneficial than the status held by them at the time of merger or assignment.

F. The Board of County Commissioners shall provide and place into effect a practical group insurance plan for all county employees.

SECTION 4.06. DEPARTMENT OF LAW.

There shall be a county attorney appointed by the Board of County Commissioners who shall serve at the will of the Board and who shall head the department of law. He shall devote his full time to the service of the county and shall serve as legal counsel to the Board, Manager, and all county departments, offices, and agencies, and perform such other legal duties as may be assigned to him. With the approval of the Board, he may appoint such assistants as may be necessary in order that his duties may be performed properly. The Board may employ special counsel for specific needs.

SECTION 4.07. DEPARTMENT OF PLANNING.

The department of planning shall be headed by a planning director appointed by the County Manager. The planning director shall be qualified in the field of planning by special training and experience. Under the supervision of the Manager and with the advice of the Planning Advisory Board elsewhere provided for in this Charter, the planning director shall among other things:

1. Conduct studies of county population, land use, facilities, resources, and needs and other factors which influence the county's development, and on the basis of such studies prepare such official and other maps and reports as, taken together, constitute a master plan for the welfare, recreational, economic, and physical development of the county.
2. Prepare for review by the Planning Advisory Board, and for adoption by the Board of County Commissioners, zoning, subdivision and related regulations for the unincorporated areas of the county and minimum standards governing zoning, subdivision, and related regulations for the municipalities; and prepare recommendations to effectuate the master plan and to coordinate the county's proposed capital improvements with the master plan.
3. Review the municipal systems of planning, zoning, subdivision, and related regulations and make recommendations thereon with a view of coordinating such municipal systems with one another and with those of the county.

SECTION 4.08. BOARDS.

A. The Board of County Commissioners shall by ordinance create a Planning Advisory Board, a Zoning Appeals Board, and such other boards as it may deem necessary, prescribing in each case the number, manner of appointment, length of term, and advisory or quasi-judicial duties of members of such boards, who shall serve without compensation but who may be reimbursed for necessary expenses incurred in official duties, as may be determined and approved by the Board of County Commissioners.

B. The Board of County Commissioners may by ordinance provide for the expansion of the City of Miami Water and Sewer Board to an agency county-wide in scope and authority, with the power to acquire, construct and operate water and sewer systems within the incorporated and the unincorporated areas of Dade County, which agency shall be known as the Miami-Dade Water and Sewer Authority. The Miami-Dade Water and Sewer Authority shall have the responsibility to develop and operate a countywide water and sewer system for the purpose of providing potable water, sewage collection and disposal and water pollution abatement to the citizens of Dade County.

C. Dade County shall retain all its powers, including but not limited to that of eminent domain, in relation to the creation of a county-wide water and sewer system, for the purpose of cooperating with the Miami-Dade Water and Sewer Authority.